

STAT

MORISON RECEIVES 2-YEAR JAIL TERM

Ex-Navy Analyst Plans Appeal
of Espionage Conviction
— Released on Bail

By BEN A. FRANKLIN
Special to The New York Times

BALTIMORE, Dec. 4 — Samuel Loring Morison, a former civilian intelligence analyst for the Navy, was sentenced to two years in prison today for stealing classified documents and giving secret American satellite photographs of a Soviet aircraft carrier to a British military journal.

In Federal District Court here, Mr. Morison's lawyers, who had requested probation for their client, said he would appeal the prison sentence.

Pending a final ruling on the appeal, which may take several years, Mr. Morison, the 41-year-old grandson of the naval historian Samuel Eliot Morison, was freed by Judge Joseph H. Young in \$100,000 bail.

Before the sentencing today, the Federal prosecutor, Assistant United States Attorney Michael Schatzow, denounced the plea for probation as "ludicrous" and as "astounding arrogance" on the part of a defendant he described as "not remorseful." The prosecution had recommended a sentence of four years in prison and a fine of \$10,000.

Effort to Set Example

Without a jail term, the prosecutor said, other Government employees are "going to think that what he did was not very serious, that the court does not think it was very serious and that it is O.K. to do it."

In their plea for probation, Mr. Morison's attorneys, Robert F. Muse and Mark H. Lynch, argued that he was a "patriotic and decent individual" who felt the construction of the Soviet aircraft carrier represented "a serious threat to the security of the United States" about which Americans were entitled to know.

Mr. Morison had faced a maximum of 40 years in prison and \$40,000 in fines.

The Morison case was only the second in which the Government had used the espionage laws to prosecute a Federal employee for disclosing secret information to the press. In the first, Daniel Ellsberg and Anthony Russo were charged with making public a Government history of the Vietnam War, known as the Pentagon Papers. The case against them was dismissed in Federal Court on the ground of Government misconduct.

Critics Pondering Reaction

Mr. Morison was charged with sending Jane's Defense Weekly, a British naval journal, copies of classified satellite photographs of the Russian vessel in drydock, under construction, which were then widely published elsewhere.

Although the Government's decision to prosecute Mr. Morison under the espionage laws has been described by some constitutional authorities, and in many newspaper editorials, as a threat to freedom of the press, there was only scattered reaction from news organizations today.

Spokesmen for the American Society of Newspaper Editors, the American Newspaper Publishers Association, the Reporters Committee for Freedom of the Press and the Radio and Television News Directors Association said that their organizations had not yet decided whether to join the American Civil Liberties Union, who provided Mr. Morison's lawyers, in pressing the appeal.

In a statement, Terry McGuire, vice president and general counsel of the publishers association, said his organization was considering "whether the long-term effects of the Morison case might adversely affect news gathering or news publication."

'Public Discussion Is Essential'

Russell C. Tornabene, executive officer of the Sigma Delta Chi, the Society of Professional Journalists, said his association's freedom of information committee had prepared the following statement:

"We think the Government should make every effort to prevent foreign nations from stealing valuable industrial and defense secrets. But as a general principle, we do not believe the espionage laws should be twisted to punish whistle-blowers who reveal information about Government mistakes to the public," the statement said.

"Classified information is routinely 'leaked' to journalists who print or broadcast it," the statement concluded. "Most disclosures come from dedicated public servants who sincerely believe the information should be publicly discussed. Much of this information should never have labeled 'secret' in the first place and public discussion of it is essential if the people are to know the facts in our democracy."

Called Threat to Constitution

Morton H. Halperin, director of the civil liberties office in Washington, has called the Morison prosecution and conviction "a threat to the First Amendment in its central purpose of protecting public debate about issues of public importance."

On the courthouse steps today, however, Mr. Schatzow scoffed at what he termed editorialists' assertions that the Morison prosecution posed a threat to press freedom.

"Remember," Mr. Schatzow said, "the same picture was published by The Washington Post and the TV networks, and nobody has prosecuted them."

In his defense at the trial, and briefly in a statement to the court today, Mr. Morison said he had "made a mistake," in disclosing the documents, but that he did not know he was committing a crime. "I am not that sort of person," he said.

STAT